



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

WASHINGTON STATE BOARD OF PHARMACY

Meeting Minutes

September 4, 2008

Fife Community Center

2111 54th Avenue E.

Fife, WA 98424

Board Office: (360) 236-4834

CONVENE

Chair Rebecca Hille called the meeting to order at 9:02 a.m., September 4, 2008.

Board Members present:

Rebecca Hille, BA-Public Member, Chair
Albert Linggi, RPh
Dan Connolly, RPh
Vandana Slatter, PharmD
Rosemarie Duffy, RN, MA, MSN, Public Member

Board Members absent:

George Roe, RPh
Gary Harris, RPh, Vice-Chair

Staff Members present:

Joyce Roper, AAG
Steve Saxe, RPh, Executive Director (Acting)
Lisa Hodgson, Executive Manager
Grant Chester, Chief Investigator
Tyler Varnum, Investigator
Cathy Williams, Pharmacist Consultant
Doreen Beebe, Program Manager
Leann George, Office Assistant

Guests/Presenters

Amy Amerien, Chief Pharmacist for
Yakima Valley Farm Workers Clinic

Leon Alzola, Director of Pharmacy
Operations, of Fred Meyer
Chuck Paulson, Pharmacy Director
William R. Rhodes, MSW, CDP, MHP,
WRAPP Program Manager

Mission Statement

The mission of the Board of Pharmacy is to achieve the highest standards in the practice of pharmacy and promote public health and safety and to effectively communicate with the Governor, Legislature, the Department of Health, the public and profession.

Vision Statement

The Washington State Board of Pharmacy leads in creating a climate for the patient-focused practice of pharmacy.

We support and encourage our pharmacists to inform, educate, consult, manage drug therapy and provide products as an integral part of an accessible, quality –based health care system.

As a result, the citizens of Washington State:

- Are well informed about medications;
- Take responsibility for their health;
- Utilize pharmacists and other health care providers appropriately; and
- Experience the highest level of health and wellness.

CONSENT AGENDA

1.2 Pharmacy & Other Firm Application Approval

1.4 Pharmacy Tech Training Program Approval

- Candace A. Dawson – Everest Aurora Colorado – Colorado
- Jeff A. Wicks – Caremark – Phoenix, Arizona
- Sonya R. Knudsen-Patterson – Walgreen’s in Osage Beach, Missouri
- Alison M. Sanders – Chandler – Gilbert Community College – Arizona
- Tina M. Hoikka – Burch Pharmacy – Minnesota, and Buffalo Hospital Pharmacy - Minnesota

1.5 Collaborative Drug Therapy Agreement Acceptance

- Capital Medical Center – Anticoagulation – Janet Schade
- Fred Meyer – Malaria & Traveler’s Diarrhea – Melissa Hansen

1.6 Automated Drug Dispensing Device Acceptance

- Cascade Valley Hospital – Pyxis or Omnicell

1.8 July 17, 2008 Board Minute Approval.

Items listed under the consent agenda are considered to be routine agency matters and will be approved by a single motion of the Board without separate discussion. Items 1.1, 1.3, and 1.7 were deleted from the agenda.

MOTION: Vandana Slatter moved that the board approve items 1.2, 1.4, 1.5, 1.6 and 1.8. Dan Connolly second. **MOTION CARRIED:** 4-0

REPORTS

Board Member

Dan Connolly reported:

- Attended the governor’s committee on prescription drug diversion
- Attended the National Association of Chain Drug Stores (NACDS) in San Diego.
 - One of the seminars he participated in was on pedigree legislation.

Executive Director

Steven Saxe reported:

- He is participating on a DOH workgroup involved in the prevention of misuse and abuse of Opioids. This program includes a cross section of groups and agencies. There is a fair amount of support for the Prescription Monitoring Program.

- He is also has a team working with a group on the issues around approval of health facilities or services on tribal land. These services are different because tribes are sovereign governments. Steve will keep the board informed.
- He is the Department of Health (DOH) representative on the Strategic Health Planning Technical Advisory Committee. He will keep the board updated.
- Steve and Lisa have both attended several meetings on the Pharmacy Take Back Program. He reports interest in proposing legislation on this issue next legislation session.
- Attended the rule making hearing to determine a 60 day supply of medical marijuana.
- Karen Jensen, Assistant Secretary of DOH and Steve Saxe are making rounds to all the boards and commissions. They are updating board and commission on issues affecting the division such as the new computer system, reorganization and other issues. A meeting is being set up for all board and commission members.
- He discussed budget issues impacting all state agencies. The Governor has asked agencies to freeze all but essential hires, out-of-state travel and reduce energy consumption by 5%.
- Steve has begun the hiring process for an Executive Director for the Board of Pharmacy.

Assistant Attorney General

Joyce Roper reported:

- DOH had there hearing on Medical Marijuana Rule. About 100- 150 people attended the hearing with an estimated 50-60 comments received on the rule. Most supported the earlier draft.
 - The Board of Pharmacy was served a lawsuit geared toward their decision not to reschedule Medical Marijuana from a class 1 controlled substance.
- The Stormans vs. Selecky case is still going on. They have not heard from the Ninth Circuit Court. A trial date is set for April 2009. Meanwhile they are continuing to have discovery of depositions taken. The most recent request is that a representative of the Board of Pharmacy be deposed. Lisa Salmi is scheduled to be deposed September 25, 08. There are depositions of plaintiff's being taken, scheduling of depositions from plaintiff employer's and some expert witnesses.

Consultant Pharmacists

Cathy Williams reported:

- Cathy has been receiving a lot of requests for approval of online Pharmacy Technician Training Program. She asked if a board member would be interested in working with her on that issue.

Chief Investigator

Grant Chester reported:

- Mr. Honda's appointment expires this month. The hiring of a part time permanent investigator is on hold.
- Over The Counter (OTC) wholesalers (about 73 current firms) records were not transitioned to ILRS. The Customer Service Office plan to fix the oversight. It should be resolved during first week of September.
- Investigator Jim Doll and Cathy Williams are working to help the Department of Social and Health Services to develop a new pharmacy audit process.
- Investigators Dick Morrison and Grace Cheung have been appointed to the National Association Boards of Pharmacy (NABP) Multistate Pharmacy Jurisprudence Exam Review Committee (MRC). Dick was also appointed to the Advisory Committee on Examinations (ACE). These are three year commitments in addition to our mandatory commitment to the MPJE Item Writing Workshops and State Specific Reviews as a member of NABP. There total time spent preparing and out of the office is 6 weeks per year.

- The contract with the Consumer Products Safety Commission (CPSC) finished in July 2008. This contract was to perform 10 pharmacy product safety inspections to determine if pharmacies are complying with the Poison Prevention Packaging Act.
- Our inspections are up this month, no one was on vacation.

PRESENTATIONS

Call Center Update

Grant Chester recommended the board consider Yakima Valley Farm Workers Clinic (YVFW) in compliance. Amy Amerien, Chief Pharmacist for Yakima Valley Farm Workers Clinic provided an update on its call center services authorized by the board in April 2006.

- Over the last two years Amy Amerien has made several changes at the Yakima Valley Farm Workers Clinic to be in compliance.
 - There has been directing and removing of some staff.
 - Re educating and re training of staff.
 - Added training on “method”.
 - Right now YVFW hold staff meetings bi- monthly, going to change that to monthly.
 - Amy is at the Clinic two to three times a week, and always available if needed.
 - They are getting new software. All staff will receive four hours of user training.
- Call Center Quality performance is tracked by:
 - Surveys handed out when a patient comes to pick up their prescription.
 - Periodically the phone calls will be monitored by the supervising pharmacist.
 - Two main complaints are:
 - 1) The time it takes to answer the phones
 - 2) Not having a prescription filled after leaving a message on the after hour phone.
 - Patients do not leave enough information for staff to fill prescription.

Prescription Monitoring Program (PMP)

Chris Baumgartner shared his background to the board. He graduated from the University of Idaho. He earned a Bachelor of Science degree with a Computer Engineering Major and Computer Science Minor. April 2004-November 2006 Chris ran the Prescription Monitoring Program in Maine. Chris worked for the Department of Social and Health Services as an ID Analyst. His position as Program Manager for the Prescription Monitoring Program began August 1, 2008.

Chris presented the PMP project.

- Department of Health’s(DOH) goals with this program are to:
 - Curb illicit use.
 - Give prescribers an added tool in patient care.
 - To get those addicted proper care.
 - Help prevent overdoses.
 - Educate population on the dangers of abuse of these drugs.
 - Make sure those who do need scheduled drugs receive them.
 - Give prescribers and dispensers more information for making professional decisions.
- What we have accomplished:
 - Beginning stages of developing PMP rules.
 - Federal grant money has been applied for to assist with implementation.
 - Working on developing a Request for Proposal (RFP).
- Rules Development:

- Entire stakeholder community will be able to provide input and feedback.
- Two information sessions.
- Four meetings for rule workgroup.
- Four sessions for comments after draft is approved by workgroup.
- A public hearing will be held after the agency reviews the draft.

System Overview:

- Those who will have access:
 - Prescribers and Dispensers.
 - Licensing boards.
 - Individuals- regarding prescriptions that have been dispensed to them.
 - DOH/Vendor.
 - Law Enforcement
 - Department of Health and Social Services, Department of Labor and Industries, Department of Corrections.
 - De-Identified information may be provided for research and education.
- Reports:
 - A series of reports will be developed as data collection progresses. Data will be collected bi-monthly.
 - Reports include:
 - 1) Reflecting thresholds that have been exceeded for identified drugs.
 - 2) That show a patient may be getting prescriptions for the same drugs from multiple prescribers.
 - 3) Prescription histories for patients.
 - 4) Periodic reports on the prescribing patterns of a prescriber.
- Data Accuracy:
 - Fuzzy Logic will help with accuracy of names in data. It searches and pulls together names that are similar.
 - Reports will only be as accurate as the data we receive.
- Concerns being addressed:
 - Confidentiality.
 - The Chilling Effect-a term used to describe the fear that a PMP will prevent those who need prescriptions from getting them.
 - Data Accuracy.
 - Provider Consultation.
- Future additions and Ideas:
 - Outcome evaluations for the program.
 - Adding data fields to create better reports.
 - Adding drugs.
 - Use generic data via data queries to better understand abuse trends and improve system and policies.
 - Share data with other states.

Introduction of William (Will) R. Rhodes, MSW, CDP, MHP – Washington Recovery Assistance Program for Pharmacy - Monitoring Program Manager

Leon Alzola invited the board members to a WRAPP Orientation if they have not attended one. He then introduced William Rhodes.

Will Rhodes graduated from Eastern Washington University with a Masters Degree in clinical social work. He is a licensed chemical dependency professional and a health professional. He supervised one of the largest treatment agencies in Snohomish County.

With applause the board welcomed William Rhodes.

DISCUSSION

Euthanasia Training Program

The board discussed the request from Grant County Animal Outreach for approval of its euthanasia training program. Doreen Beebe presented and answered the board questions and concerns regarding this request.

MOTION: Vandana Slatter moved that the board approve the euthanasia training program from Grant County Animal Outreach as written with the clarification that was provided. Dan Connolly second.

MOTION CARRIED: 3-1.

Federal Notice of Proposed Rulemaking

Tim Fuller prepared the draft comments form that is to be submitted to the federal Drug Enforcement Administration (DEA). This is in regards to the amendments to electronic prescriptions for controlled substances. The board reviewed and discussed this document.

MOTION: Rosemarie Duffy moved to accept letter as written with two exceptions. Remove questions, "How will these requirements effect Washington State electronic prescribing requirements?" Add Al Lingii's suggestion to highlight changes in their draft to make it easier to know what has been changed. Vandana Slatter second. **MOTION CARRIED:** 4-0.

Public Disclosure Request for Lists & Labels

MOTION: Rosemarie Duffy moved that the board select a panel to consider the request by Integrity Health Professions to be recognized as a professional association or an educational organization. Dan Connolly second. **MOTION CARRIED.**4-0

MOTION: Vandana Slatter moved that the board delay the request by Edward Via Virginia College of Osteopathic Medicine for recognition as a professional association or an educational organization until the original panel can be convened to discuss the follow up information. Dan Connolly second.

MOTION CARRIED. 4-0.

Al Lingii, Rosemarie Duffy and Vandana Slatter were the chosen panel to review the request for recognition. The panel denied the request by Integrity Health Profession as a professional association or an educational organization. Joyce Roper stated that Integrity Health Profession will be notified that their request has been denied.

CORRESPONDENCE

The following correspondence was reviewed and discussed by the board.

- Letter from Mary Selecky – re: initiation of investigation for complaints alleging death.
- Disciplinary News Release.
 - 08-121
 - 08-123
 - 08-127
 - 08-136
 - 08-135
- July 2008 issue of the ISMP medication Safety Alert.
- NABP e-News.
 - July 23

- August 6
- Notice of Recruitment for Executive Director, Washington State Board of Pharmacy.
- Victor Moore, Director – Office of Financial Management – Implementation Instructions Related to Governor’s Letter on Energy and Expenditure Reductions
- NABP – Update on Georgia Litigation and Score Invalidation

DISCUSSION

Probation Designation

The board will discuss the practice of designating “probation” on the printed credential. Patrick Hanley asked that this discussion be postponed until the entire board is present.

MOTION: Vandana Slatter moved that the board postpone this discussion for presentation to the full board with the amendment that Patrick Haney be present. Rosemarie Duffy second. **MOTION CARRIED.** 4-0.

The board adjourned at 12:30 p.m. and reconvened at 1:32 p.m.

Implementation of Substitute House Bill 1103

Kristi Weeks provided the board a power point update on the implementation of SHB1103. This will change how the disciplinary process works. A lot of these changes will require rules. The board will be updated throughout this process. This is NOT a final draft.

- **Prompt Hearing** is replaced by **Show Cause Hearing**: both sides come together to discuss whether or not that person should be suspended. This is done through document review only. These hearings will not be pre-set. The board may need to be available on short notice.
- Handling of application cases has changed. Denials and restricted licenses will no longer be done with formal charges. Notice of Determination (NOD) is issued and becomes effective 28 days later if no hearing is requested. Contested hearings are still done with panel. Applicants are to show proof of fitness. Panel has the ability to propose conditions on the license with a NOD.
- Permanent revocation is now available. The charging panel must find that the license holder can never be rehabilitated or regain the ability to practice with reasonable skill and safety. The final order must state the findings and be supported by substantial evidence.
- The Secretary may now handle sexual misconduct cases. Any sexual misconduct case lacking clinical or practice standard issues must be referred by a panel for exclusive handling by Department of Health staff without panels further involvement. The referral is made upon the panels review. The recommendation is to wait until the investigation is complete.
- Sanction Schedule will be written into rule. The workgroup will review existing guidelines and make recommendation to the Secretary by November 15, 2008. This will be made a rule by January 1, 2009. The Sanction Guidelines will be applicable to all disciplinary authorities. The disciplinary authority may deviate from the schedule when a unique situation arises. These orders must include a specific explanation for the deviation.
- SHB1103 requires the board to establish a maximum daily fine for failure to produce documents, records, or other items as requested by the board. Kristi asked the board to decide on the amount of the fine.

MOTION: Rosemarie Duffy moved that the board establish a daily fine for citations for failure to produce documents, records or other items as requested for \$100.00 a day. Vandana Slatter second. **MOTION CARRIED.** 4-0.

- Mandatory reporting requires reports by employers of license holders. This is required for adverse events and terminations or restriction of privileges occurring on or after June 2, 2008. The Department of Health will not implement sanctions for failure to report until the stakeholder discussions and rulemaking process are complete. December 2008 is the anticipated effective date.

OPEN FORUM

Doug Beeman,

Questions:

- Has the board discussed Mandatory Residency Requirements for pharmacy licensure? Questions have been raised about the legality for residency requirements in other situations. The language would have to be looked at to see if they could overcome any hurdles there might be in someone saying a license can be analagette to welfare benefits.
- Is there anything in the works to standardize what the discipline outcome for various boards for various offenses would be? Yes, the Board of Pharmacy uses a Matrix. George Roe is working with a group on Sanction Guidelines.

PRESENTATION OF AGREED ORDERS

CLOSED SESSION

Stakeholder Meeting - Correctional Pharmacy Rules – Meeting notes available by request.

Respectfully Submitted by:

Leann George, Program Support

Approved on October 30, 2008

Rebecca Hille, Chair
Washington State Board of Pharmacy